

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FORT WORTH MAR 3 2014 CLERK, U.S. DISTRICT COURT By _____ Deputy

UNITED STATES OF AMERICA

v.

No. 4:14-MJ-119

RYAN WELBORN (01)

CRIMINAL COMPLAINT

I, the undersigned Complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about October 22, 2013, **Ryan Welborn**, knowingly possessed matter that contains any visual depiction, which was produced using materials which had been mailed and shipped and transported using any means and facility of interstate and foreign commerce, including by computer, the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct.

Specifically, **Welborn** possessed a Kindle Fire containing the following described video file visually depicting a prepubescent minor engaged in sexually explicit conduct and the lascivious exhibition of the genitals and pubic area of said minor, as defined in 18 U.S.C. § 2256: “((Boylove)) Blowing A 12 Year Old.avi,” which depicts an adult male engaged in oral/genital intercourse with a prepubescent male.

In violation of 18 U.S.C. § 2252(a)(4)(B) .

I further state I am a Special Agent with U.S. Immigration and Customs Enforcement and that this complaint is based on the following facts:

1. I am a Special Agent with the United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), assigned to the Special Agent in Charge, Dallas, Texas. I have been employed with HSI since November 2007. As part of my duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal transportation, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2252 and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media. I have been involved in numerous child pornography investigations and am very familiar with the tactics used by child pornography offenders who collect and distribute child pornographic material.

2. As a federal agent, I am authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States.

3. This affidavit sets forth facts and suggest reasonable inferences from those facts, establishing that there is probable cause to believe that on or about October 22, 2013, in the Northern District of Texas, Ryan Welborn, committed the offense of Possession of a Visual Depiction of a Minor Engaged in Sexually Explicit Conduct, in violation of 18 U.S.C. § 2252(a)(4)(B).

4. The information contained in this affidavit is from my personal knowledge of the described investigation and from information obtained from other law enforcement agents.

OVERVIEW OF INVESTIGATION

5. On February 25, 2013, HSI Special Agents in Orlando, Florida executed a federal search warrant at a residence in Apopka, Florida. The search warrant revealed the target of their investigation was utilizing electronic mail (hereinafter email) to send and receive images and videos depicting child pornography. HSI Orlando agents executed a federal search warrant to Yahoo! for the purpose of identifying other individuals involved with the target in the transportation and receipt of child pornography. As a result of the information received from Yahoo!, HSI Orlando identified several other e-mail accounts involved in the transportation and receipt of child pornography, to include dlover11@rocketmail.com.

6. On April 17, 2013, HSI agents in Orlando issued an administrative summons to Yahoo! Inc. for subscriber information on e-mail account dlover11@rockermail.com. Yahoo! responded to the summons and provided the following information regarding the e-mail account dlover11@rocketmail.com:

Login Name: dlover11@rocketmail.com
Registration IP address: 97.93.227.107
Account Created: September 26, 2012
Zip/Postal Code: 76135
Account Status: Active

In addition, Yahoo! provided login IP addresses from January to April 2013. The most recent IP login was listed as April 29, 2013 at 03:22:22 GMT. The same IP address was identified with each login: 97.93.227.107. The internet service provider for IP address 97.93.227.107 resolved to Charter Communications

7. On May 23, 2013, HSI agents in Orlando issued an administrative summons to Charter Communications for subscriber information for IP address 97.93.227.107 on April 29, 2013, at 03:22:22 GMT. On or about May 30, 2013, Charter Communications responded to the summons and identified the subscriber as Cxxx Wellborn, 4816 Deal Drive, Fort Worth, Texas 76135-1633. The spelling of the last name is likely a misspelling, as Texas Driver's License records show the spelling as Welborn. A check in law enforcement and public databases revealed the occupants of the residence as Cxxx Welborn, his wife Dxxxx Welborn, and sons Ryan and Zxxxx Welborn.

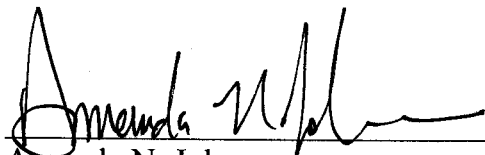
8. On October 22, 2013, HSI Dallas agents executed a federal search warrant at 4816 Deal Drive in Fort Worth, Texas. Pursuant to the search warrant, agents seized a Kindle Fire Tablet¹ from Ryan Welborn's bedroom. The Kindle Fire tablet was submitted to the HSI Dallas Forensic Lab and as a result of a forensic analysis, agents determined the tablet belonged to Ryan Welborn. Agents also determined the tablet was manufactured in China.

¹ The Kindle Fire tablet is a mobile computer with display, circuitry and battery in a single unit. Users may connect the device to the internet via cellular, bluetooth or WIFI for web-browsing, e-mail, social media and downloadable applications. Tablets are capable of storing large amounts of data.

9. As a result of a forensics examination of the Kindle Fire, agents located approximately 19 videos and 1,700 images containing child pornographic material. One of the videos, identified by filename as “((Boylove)) Blowing A 12 Year Old.avi” depicted an adult male engaged in oral/genital intercourse with a prepubescent male. The video was approximately 5:27 in length and the creation date was listed as October 15, 2013; the video appears to depict a real minor engaged in sexually explicit conduct.

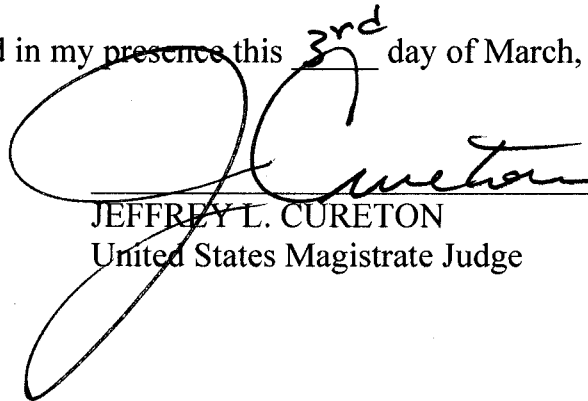
CONCLUSION

10. Based on the foregoing facts and circumstances, I respectfully submit that there is probable cause to believe that on or about October 22, 2013, in the Northern District of Texas, Ryan Welborn committed the offense of Possession of Child Pornography, in violation of 18 U.S.C. § 2252(a)(4)(B).



Amanda N. Johnson
Special Agent
Department of Homeland Security Investigations

Sworn to before me and subscribed in my presence this ^{3rd} day of March, 2014, at 10:05 a.m. in Fort Worth, Texas



JEFFREY L. CURETON
United States Magistrate Judge